

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Laird

January 23, 2006

~~An act to amend Sections 65591.2 and 65591.5 of, and to repeal Section 65593 of, the Government Code, relating to water conservation. An act to amend Sections 65591.2, 65591.5, 65592, 65594, 65595, and 65599 of, to add Section 65596.5 to, and to repeal Section 65593 of, the Government Code, relating to water conservation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Laird. Water Conservation in Landscaping Act.

(1) The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first. *The act requires the department, not later than January 1, 1992, to adopt a model local water efficient landscape ordinance which each local agency may adopt. The act makes the model local water efficient landscape ordinance adopted by the department applicable within the jurisdiction of a local agency if that local agency, by January 1, 1993, has not adopted a water efficient*

landscape ordinance or has not adopted certain findings that the adoption of the ordinance is unnecessary.

This bill would repeal provisions regarding the advisory task force. The bill would require the department, not later than January 1, 2009, and based on prescribed recommendations, to update the model local water efficient landscape ordinance and to include in the updated ordinance restrictions on overspray and runoff. The bill would make the updated ordinance applicable within the jurisdiction of a local agency, including a chartered city, if, by January 1, 2010, the local agency has not adopted a water efficient landscape ordinance that is at least as effective as the updated ordinance in conserving water. The bill would require each local agency, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency. The bill would require the department, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by local agencies.

The bill, on and after January 1, 2008, would require a public water system serving 300 or more service connections to install, or require the installation of, a separate water meter used exclusively to measure the volume of water delivered to any new irrigated landscaping area of 5,000 square feet or more for nonsingle family properties.

By imposing requirements on local agencies in connection with the adoption and enforcement of water efficient landscape ordinances, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

SECTION 1. Section 65591.2 of the Government Code is amended to read:

65591.2. The Legislature finds and declares all of the following:

(a) The waters of the state are of limited supply and are subject to ever increasing demands.

(b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.

(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

(d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.

(e) Landscape design, installation, and maintenance can and should be water efficient.

(f) Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable use or unreasonable method of use.

SEC. 2. Section 65591.5 of the Government Code is amended to read:

65591.5. It is the intent of the Legislature that the Department of Water Resources prepare and promote the use of a model water efficient landscape ordinance that local agencies may adopt.

SEC. 3. Section 65592 of the Government Code is amended to read:

65592. Unless the context requires otherwise, the definitions used in this section govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Local agency" means any city, county, or city and county.

On and after January 1, 2010, "local agency" includes a chartered city.

(c) “Water efficient landscape ordinance” means an ordinance or resolution adopted by a local agency to address the efficient use of water in landscaping.

~~SEC. 3.~~

SEC. 4. Section 65593 of the Government Code is repealed.

SEC. 5. Section 65594 of the Government Code is amended to read:

65594. (a) ~~Not later than January 1, 1992, after holding a public hearing, the department, based on recommendations of the task force established pursuant to Section 65593, The department~~ shall adopt a model local water efficient landscape ordinance which each local agency may adopt.

(b) *Not later than January 1, 2009, after holding a public hearing, the department, based on recommendations set forth in the report prepared pursuant to Chapter 682 of the Statutes of 2004, shall update the model local water efficient landscape ordinance adopted pursuant to subdivision (a). The updated ordinance shall include restrictions on overspray and runoff.*

~~(b)~~

(c) In developing the model ordinance, ~~the task force~~ department shall recognize and promote the benefits of consistent local ordinances in areas having similar climatic, geological, or topographical conditions.

~~(e) The department shall notify and deliver a copy of the model local water efficient landscape ordinance to the Joint Legislative Budget Committee. The Joint Legislative Budget Committee shall have 60 days to review the model ordinance before it is formally adopted by the department.~~

(d) Not later than January 31, ~~1992~~ 2009, the department shall distribute the ~~adopted~~ updated model ordinance *adopted pursuant to subdivision (b)* to all local agencies and other interested parties.

~~(e) The department shall promote the benefits of consistent local ordinances in areas having similar climatic, geological, or topographical areas.~~

SEC. 6. Section 65595 of the Government Code is amended to read:

65595. ~~If~~ (a) *Except as provided in subdivision (b), if by* January 1, 1993, a local agency has not adopted a water efficient landscape ordinance or has not adopted findings based on

1 climatic, geological, or topographical conditions, or water
2 availability, which state that a water efficient landscape
3 ordinance is unnecessary, the model water efficient landscape
4 ordinance adopted by the department pursuant to subdivision (a)
5 of Section 65594 shall ~~take effect on January 1, 1993, and apply~~
6 *within the jurisdiction of the local agency as of that date*, shall be
7 enforced by the local agency, and *shall* have the same force and
8 effect as if adopted by the local agency.

9 (b) *If, by January 1, 2010, a local agency has not adopted a*
10 *water efficient landscape ordinance that is, based on evidence in*
11 *the record, at least as effective as the updated model ordinance*
12 *adopted by the department pursuant to subdivision (b) of Section*
13 *65594 in conserving water, the updated model ordinance*
14 *adopted by the department pursuant to subdivision (b) of Section*
15 *65594 shall apply within the jurisdiction of the local agency as of*
16 *that date, shall be enforced by the local agency, and shall have*
17 *the same force and effect as if adopted by the local agency.*

18 SEC. 7. Section 65596.5 is added to the Government Code, to
19 read:

20 65596.5. *On and after January 1, 2008, a public water system*
21 *serving 300 or more service connections shall install, or require*
22 *the installation of, a separate water meter used exclusively to*
23 *measure the volume of water delivered to any new irrigated*
24 *landscaping area of 5,000 square feet or more for nonsingle*
25 *family properties.*

26 SEC. 8. Section 65599 of the Government Code is amended to
27 read:

28 65599. Not later than January 31, ~~1993~~ 2010, each local
29 agency shall ~~file with~~ notify the department *as to whether the*
30 *local agency is subject to the department's model ordinance, and*
31 *if not, shall submit to the department a copy of the water efficient*
32 *landscape ordinance adopted pursuant to Section 65595, or*
33 *adopted before the effective date of this article, or the by the*
34 *local agency, including a copy of the local agency's findings*
35 *which state that a its water efficient landscape ordinance is*
36 ~~unnecessary~~ *at least as effective as the department's model*
37 *ordinance in conserving water.* Not later than ~~July 1, 1993~~
38 *January 31, 2011*, the department shall prepare and submit a
39 report to the Legislature summarizing the status of water efficient
40 landscape ordinances adopted by local agencies.

1 *SEC. 9. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

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